REMARKS

In lieu of filing an Appeal Brief, the Applicant submits a Request for Continued Examination and this Reply to the Final Office Action of January 29, 2007. In view of the foregoing amendments and following remarks, reconsideration is requested.

Claims 1, 9, 23 and 45-67 remain in the application. Claims 1, 9, 23, 45, 46 and 65-67 are independent. Claims 65-67 are new. The enclosed payment includes the fees for three additional independent claims and three additional total claims.

As a preliminary matter, claim 52 was not addressed in the Final Office Action. In the following remarks, Applicant has assumed that claim 52 was intended to be rejected for the same reasons as claim 58.

Claim Objections

Claims 9 and 63 were objected to. Claim 9 has been amended to recite that the computer program instructions are "stored in a memory." Claim 63 has not been amended. Claim 63 recites "the means for converting." A "means for converting" is found in each of the independent claims from which claim 63 depends. Therefore "the means for converting" in claim 63 does not lack antecedent basis.

Double Patenting

The Office Action asserts that claims 1, 45 and 46 are substantial duplicates, and claim 1 was objected to, referring to MPEP 706.03(k). MPEP 706.03(k) authorizes an objection to be made when one of the claims is allowed. Because none of the claims have been allowed, this objection is premature.

Moreover, applicant disagrees with the assessment that the claims are duplicates. As noted in MPEP 706.03(k), "[c]ourt decisions have confirmed applicant's right to restate (i.e., by plural claiming) the invention in a reasonable number of ways. Indeed, a mere difference in scope between claims has been held to be enough."

Claim 1 recites, throughout, a "sequence of digital still images". Claim 45 recites, throughout, "sequences of digital still images," emphasis added. Claim 46 recites, throughout, "the at least one sequence of digital still images." These differences are not slight changes in wording, but are substantive.

Rejection Under 35 U.S.C. §103 in view of Peters, Kojima and Reber

Claims 1, 9, 23, 45-50, 52-56 and 58-64, of which claims 1, 9, 23, 45 and 46 are independent, were rejected under 35 U.S.C. §103(a) in view of U.S. Patent No. 5,946,445 ("Peters") and U.S. Patent No. 5,168,363 ("Kojima" et al.) and U.S. Patent No. 5,267,351 ("Reber")

According to Peters, a system stores audio and/or video material digitally such that it can be randomly and immediately accessed.[1] In Fig. 1 of Peters, "analog video sources 1 and analog audio sources 2 are received by video coprocessor 3 and audio coprocessor 4."[2] "Each of the coprocessors digitizes incoming material and stores it on storage devices 5."[3] Such storage is "typically on a magnetic disk or in a computer memory."[4] Separate files are created in response to a discontinuity in the video information received. Fig. 1 illustrates that sources of analog video received by the media recorder include such things as a video tape recorder, a video camera or a video assist of a film camera.[5] "The storage of clips on disk . . . allows multiple clips to be played back in sequence."[6] The computer and video system in Fig. 1 can be designed for portability.[7] In summary, Peters teaches a portable computer system that receives a video signal and stores video information in data files on a digital random-access computer readable and rewriteable recording medium. Notably, Peters neither teaches nor suggests that editing functionality as claimed should be provided in the same portable housing as a motion video camera.

The Final Office Action acknowledges that Peters "fails to specifically teach that the motion camera mounted in the housing having the recorder. [sic]"[8] It is probably more accurately stated that Peters teaches that a motion video camera is separate from Peters' computer system which receives a video signal from such a camera.

[1] Peters, col. 2, lines 17-21.
[2] Peters, col. 2, lines 30-32.
[3] Peters, col. 2, lines 35-36.
[4] Peters, col. 2, lines 18-19.
[5] Peters, see Fig. 1.
[6] Peters, col. 3, lines 32-34.
[7] Peters, col. 3, lines 43-45.
[8] Final Office Action, page 4, lines 9-10.

Kojima relates to a "video signal processing apparatus for use with a video tape recorder (VTR) with a built in camera."[9] (emphasis added.) The Office Action asserts that Kojima teaches "combining a camera with a recorder for making a portable apparatus is well known".[10] Applicant respectfully disagrees. Kojima teaches nothing more than the fact that it is common to have a video tape recorder (VTR) with a built in camera, as discussed in the Background portion of the Applicants' specification.[11] Notably, Kojima neither teaches nor suggests that editing functionality as claimed should be provided in the same portable housing as a motion video camera. While Kojima might suggest that *recording* functionality should be provided in the camera, one cannot draw any such conclusion about *editing* functionality.

According to Reber, in a nonlinear editing system "[s]ource material from some source (video tape, audio recording, film etc.) is broken down into a series of separate 'clips' representing the material desired for the final master, and then reassembling these 'clips' into a final sequence achieving the desire of the editor and producer. . . . In a non-linear system the typical approach involved alloting to each clip an associated digitized section of the original source in storage on the system in a 'media file'."[12] The Office Action asserts that "the editing of Reber capable using with motion camera [sic]".[13] Applicant respectfully disagrees. Reber describes, at Col. 1, lines 1-10, what nonlinear editing generally involves:

> "Non-linear editing on computer oriented systems involves digitizing media data recorded from a linear source, e.g., a video tape cassette, and storing the digitized media data on a storage device, e.g., a hard disk drive. Once digitized, the media data can be accessed quickly at any point in the linear sequence in which it was recorded so that various portions of the data can be accessed and edited in a non-linear way."

This portion of Reber has nothing to do with having editing functionality within a camera. The Reber patent does not even include the word "camera." Accordingly, Reber neither teaches nor suggests that editing functionality as claimed should be provided in the same portable housing a motion video camera.

---

[9] Kojima, Fig. 1, and col. 1, lines 10-11.
[10] Final Office Action, Page 4, lines 10-11.
[11] Specification, page 1, lines 13-14.
[12] Reber, col. 1, lines 23-32.

One way of evaluate the issue of nonobviousness of the present claims is to ask, in view of the prior art, in what system should the claimed editing functionality reside? More particularly, in what system should "a motion picture editing system within the housing for enabling the individual to specify a sequence of segments of the sequences of digital still images stored on the digital, computer-readable and writable random-access medium, wherein each segment is defined by a reference to a data file storing a selected sequence of digital still images and by points designated in the selected sequence of digital still images, wherein the points may be designated at any digital still image", as claimed, reside?

None of Peters, Kojima, nor Reber teaches or suggests that the claimed editing functionality (namely "a motion picture editing system within the housing for enabling the individual to specify a sequence of segments of the sequences of digital still images stored on the digital, computer-readable and writable random-access medium, wherein each segment is defined by a reference to a data file storing a selected sequence of digital still images and by points designated in the selected sequence of digital still images, wherein the points may be designated at any digital still image", as claimed) should be provided in the same portable housing as a motion video camera.

All of the prior art cited in this ground of rejection (and the others below) plainly teach that nonlinear editing of recorded video and audio is performed using a computer system that is in a housing that is separate and distinct from a motion picture camera. None of the prior art relied upon teaches or suggests that the claimed editing functionality should reside in the same portable housing as the motion video camera.

Therefore, because none of the references teaches or suggests the claimed combination, the rejection is traversed.

[13] Final Office Action, page 5, line 2.

Rejection Under 35 U.S.C. §103 in view of Peters, Kojima, Reber and Uekane

Claims 51 and 57, which are dependent, were rejected under 35 U.S.C. §103(a) in view of Peters, Kojima, Reber, and U.S. Patent 5,559,554 ("Uekane").

Because claims 51 and 57 are dependent claims, they are allowable for the same reasons as the independent claims as discussed above.

Rejection Under 35 U.S.C. §103 in view of Bluth, Washino I and Reber

Claims 1, 9, 23, 45-47, 52 and 58, of which claims 1, 9, 23, 45 and 46 are independent, were rejected under 35 U.S.C. §103(a) in view of U.S. Patent No. 3,617,626 ("Bluth") and U.S. Patent No. 5,537,157 ("Washino I") and U.S. Patent No. 5,267,351 ("Reber").

The Final Office Action asserts[14] that Bluth teaches a "housing sized to be portable for use by an individual," referring to Fig. 1 of Bluth. No such housing is shown in Fig. 1 of Bluth. Instead, Fig. 1 is referred to as a "system" throughout Bluth. There is nothing in Bluth that teaches or suggests that all of the components of this system, particularly editing, are found in a portable housing. In particular, Bluth clearly does not teach that the claimed editing functionality is provided in the same portable housing as a motion video camera.

Washino I states that *editing* functions are performed in a personal computer. In particular, Washino I states "[i]n the preferred embodiment, specialized graphics processing capabilities are included in a high-performance personal computer or workstation, enabling the user to edit and manipulate an input video program and produce an output version of the program in a final format which may have a different frame rate, pixel dimensions or both."[15] Washino I further states "[t]he system . . . allows an operator to control equipment . . . at a centralized personal computer to produce, edit and record a video program. Each camera to be used with the system . . . feeds a signal to the personal computer . . ."[16] Thus, Washino clearly does not teach that the claimed editing functionality is provided in the same portable housing as a motion video camera.

Reber was discussed above. Notably, Reber neither teaches nor suggests that editing functionality as claimed should be provided in the same portable housing a motion video camera.

[14] Final Office Action, page 7, line 11.
[15] Washino I, col. 2, lines 45-51.
[16] Washino I, col. 3, lines 54-60.

Thus, Bluth, Washino I and Reber plainly teach that nonlinear editing of recorded video and audio is performed using a computer system that is in a housing that is separate and distinct from a motion picture camera. None of the prior art relied upon teaches or suggests that the claimed editing functionality should reside in the same portable housing as the motion video camera.

Therefore, because none of the references teaches or suggests the claimed combination, the rejection is traversed.

Rejection Under 35 U.S.C. §103 in view of Washino II and Reber

Claims 1, 9, 23, 45-47, 52, 58 and 63-64, of which claims 1, 9, 23, 45 and 46 are independent, were rejected under 35 U.S.C. §103(a) in view of U.S. Patent No. 5,488,433 ("Washino II") and U.S. Patent No. 5,267,351 ("Reber").

According to Washino II, a camera includes a lens and viewfinder mounted on the body of a camera frame, and usual signal processing circuitry.[17] The video information may be compressed.[18] The video information may be stored on a hard disk drive 70.[19] For editing to be performed, such editing is performed in a personal computer.[20]

Reber was discussed above. Notably, Reber neither teaches nor suggests that editing functionality as claimed should be provided in the same portable housing a motion video camera.

Thus, Washino II and Reber plainly teach that nonlinear editing of recorded video and audio is performed using a computer system that is in a housing that is separate and distinct from a motion picture camera. None of the prior art relied upon teaches or suggests that the claimed editing functionality should reside in the same portable housing as the motion video camera.

Therefore, because none of the references teaches or suggests the claimed combination, the rejection is traversed.

[17] Washino II, Fig. 1 and col. 3, lines 20-30.
[18] Washino II, col. 4, line 57 to col. 5, line 2.
[19] Washino II, Fig. 2 and col. 4, line 17.
[20] Washino II, col. 5, lines 13-16.

New Claims

Claims 65-67 are new. These claims are similar to claims 1, 9 and 23, but eliminate the "means plus function" language found in claims 1, 9 and 23. Accordingly, these new claims are clearly supported by the present application and are patentable for at least the same reasons as claims 1, 9 and 23.

CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this reply, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an additional extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, please charge any fee to **Deposit Account No. 50-0876.**

Respectfully submitted,

Avid Technology, Inc.

By _____

Peter J. Gordon
Registration No. 35,164
Avid Technology, Inc.
One Park West
Tewksbury, MA 01876
Tel.: (978) 640-6789